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**DISTRICT ATTORNEY KATZ: POLICE OFFICER CHARGED**  
**WITH ATTEMPTED AGGRAVATED STRANGULATION**  
**FOR ALLEGEDLY USING ILLEGAL CHOKEHOLD ON MAN DURING ARREST**

*Viral Video Allegedly Shows Queens Man Choked Until He Lost Consciousness;  
First Officer in State Charged with Recently-Enacted Law Banning Chokeholds;  
Suspended Officer Now Faces up to 7 Years in Prison if Convicted*

Queens District Attorney Melinda Katz today announced that Police Officer David Afanador has been charged with attempted aggravated strangulation and strangulation in the second degree for allegedly using a chokehold on a Queens man during an arrest Sunday morning. The officer – suspended without pay by the New York City Police Department hours after a video of the incident went viral online – allegedly used a chokehold on a 35-year-old man on the boardwalk near the beach in Far Rockaway, Queens. Governor Andrew Cuomo, just 13 days ago, signed the Eric Garner Anti-Chokehold Act criminalizing this maneuver when used in a life-threatening way.

“The ink from the pen Gov. Cuomo used to sign this legislation was barely dry before this officer allegedly employed the very tactic the new law was designed to prohibit,” said District Attorney Katz. “Police officers are entrusted to serve and protect – and the conduct alleged here cannot be tolerated. This police officer is now a defendant and is accused of using a chokehold, a maneuver we know has been lethal. This Office has zero tolerance for police misconduct.”

The anti-chokehold act was named after Eric Garner, who died in Staten Island while being arrested. A police officer used a chokehold on the 43-year-old Garner, who repeatedly said “I can’t breathe.” Garner died as a result of combined neck and chest compressions that led to a fatal asthma attack.

District Attorney Katz said that, according to the charges, Afanador was responding to a call of someone screaming and yelling at people on the Boardwalk shortly after 8 a.m., Sunday, June 21, 2020. Afanador and several other police officers encountered 3 men who proceeded to taunt and heckle the officers as a couple of them simultaneously video recorded the police on their cell phones. At one point, 35-year-old Ricky Bellevue asked the police officers if they were scared and appeared to retrieve a can from a trash receptacle. That’s when 4 police officers grabbed Bellevue, including Afanador, who allegedly wrapped his arm around the man’s neck as he was pinned to the ground.

Continuing, said DA Katz, according to the charges, Officer Afanador allegedly continued the chokehold as other officers handcuffed Bellevue. Within seconds, the 35-year-old man's body appears on recordings to go limp and he loses consciousness. Only after another police officer pulls on Afanador's back does he remove his arm from around Bellevue's neck.

Body worn camera footage shows these police officers were cursed at and badgered. Every day, however, police officers find themselves in circumstances that require them to exercise restraint and are charged with de-escalating potentially volatile conflicts, said DA Katz. According to the complaint, Officer Afanador's alleged actions showed his intent to impede the normal breathing or circulation of Bellevue when he placed his arm around the man's neck and only relented when his fellow officer intervened.

According to DA Katz, "Even under the most difficult of circumstances, this maneuver, this kind of action, is exactly the kind of police conduct that the NYPD has banned and our State Legislature criminalized."

The defendant is awaiting arraignment in Queens Criminal Court. If convicted, Afanador faces up to 7 years in prison.

The investigation was conducted by members of the Queens District Attorney's Public Corruption Bureau and of the New York City Police Department's Internal Affairs Bureau, under the supervision of Deputy Commissioner Joseph J. Reznick.

Assistant District Attorneys Christine Oliveri and Phyliss Weiss of the District Attorney's Public Corruption Bureau will be prosecuting the case under the supervision of Assistant District Attorneys James Liander, Bureau Chief, Khadijah Muhammad-Starling, Deputy Bureau Chief, and under the overall supervision of Executive Assistant District Attorney for Investigations Gerard A. Brave.

It should be noted that a criminal complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

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